

GP/1644

Docket No. 0575/51917-C-PCT-US/JPW/ALB

In re Application for TRADEMARKS: David J. Pinsky et al.

Serial No.: 09/671,100

Filed: September 27, 2000

For: METHODS FOR TREATING ISCHEMIC DISORDER AND IMPROVING STROKE OUTCOME

U.S. Patent and Trademark Office
Box Sequence, P.O. Box 2327
Arlington VA 22202

S I R:

Transmitted herewith is an amendment to the above-identified application.

- Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been established by a verified statement previously submitted.
- A verified statement to establish small entity status under 37 C.F.R. §1.9 and §1.27 is enclosed.
- No additional fee is required.

The filing fee is calculated as follows:

| | NUMBER AFTER AMEND- MENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | | NUMBER OF EXTRA CLAIMS PRESENTED | | RATE | | | | FEE | |
|---------------------------------------------------------------------------------------------------------------------|-----------------------------------|---|---------------------------------------------|---|-------------------------------------------|---|-------------------------|-----------------|---|-----------------|-----------------|--|
| | | | | | | | SMALL ENTITY | OTHER ENTITY | | SMALL ENTITY | OTHER ENTITY | |
| Total Claims | 32 | - | * 46 | = | 0 | X | \$9 | \$18 | = | \$ 0 | | |
| Independent Claims | 4 | - | ** 6 | = | 0 | X | \$42.00 | \$84.00 | = | 0 | | |
| Multiple Dependent Claim(s) Presented <u>Yes</u> <input checked="" type="checkbox"/> <u>No</u> For First Time | | | | | | | \$140 | \$280 | 0 | 0 | | |
| | | | | | | | TOTAL ADDITIONAL FEE | | | | | |
| | | | | | | | \$ 0 | | | | | |

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Applicants:

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Amendment Transmittal Letter

Page 2

The "HIGHEST NUMBER PREVIOUSLY PAID FOR" (Total or Independent) is the highest of the "NUMBER AFTER AMENDMENT" in any prior amendment or the number of claims as originally filed.

Please charge Deposit Account No. _____
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The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 03-3125. Three copies of this sheet are enclosed.

Any filing fees under 37 C.F.R. §1.16 for the presentation of extra claims.

Any patent application processing fees under 37 C.F.R. §1.17.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. postal Service with sufficient postage as first class mail in an envelope addressed to:

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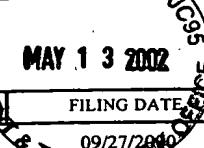
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------------|------------------|
| 09/671,100 | 09/27/2001 | David J. Pinsky | 0575/51917-C-PCT-US/JPW/J | 6042 |
| 7590 | 04/08/2002 | | | |

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EXAMINER

DECLOUX, AMY M

ART UNIT

PAPER NUMBER

1644

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Please find below and/or attached an Office communication concerning this application or proceeding.

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|---------------|-------------|-----------------------|-------------------------------|
| 09/671100 | 9-27-00 | Pinsky et al. | 51917-C-PCT/JPW/SHS/ALB US |
| | | | |

4/8/2002

dnv. to Jannich SL: 5/18/2002
 SL Extension: 6/18/2002
 SL Extension: 7/18/2002
 SL Extension: 8/18/2002
 SL Extension: 9/18/2002
 SL Deadline: 10/18/2002 SMC

| EXAMINER | |
|-------------|--------------|
| Amy DeCloud | |
| ART UNIT | PAPER NUMBER |
| 1644 | 6 |

DATE MAILED:

MAY 16 2002

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patent

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This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Specifically, sequences lacking SEQ ID NO: tags are disclosed on page 25, lines 23 and 32.

Applicants are required to submit a CRF disk and paper copy of the sequences according to the attached "Notice to Comply with the Sequence Rules." Applicant is reminded of the sequence rules which require a submission for all sequences of more than 9 nucleotides or 3 amino acids (see 37 C.F.R. 1.821-1.825) and is also requested to carefully review the submitted specification and claims for any and all sequences which require compliance with the rules.

Applicant is given TIME PERIOD of ONE EXTENDABLE MONTH, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

A reply to a notice to comply with the sequence rules should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office.

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio
[\(<http://www.uspto.gov/ebc/efs/downloads/documents.htm>\)](http://www.uspto.gov/ebc/efs/downloads/documents.htm), EFS Submission User Manual - ePAVE

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4. Hand Carried directly to the Customer Window at:
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy DeCloud whose telephone number is (703) 306-5821. The examiner can normally be reached Monday through Friday from 9:00 am to 6:00 pm. Or a message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.

Amy DeCloud, Ph.D.
Patent Examiner
Art Unit 1644
April 8, 2002

Amy DeCloud
4-8-02

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing".
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: Sequences are disclosed on page 25 which have no SEQ ID NO:tags.

Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
 For CRF Submission Help, call (703) 308-4212
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